

House Bill 3107

Sponsored by Representative WILSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes elected official to possess firearm in building housing court facility if elected official performs official duties within building and is licensed to carry concealed handgun.

A BILL FOR AN ACT

1
2 Relating to possession of firearms by elected officials; amending ORS 166.370.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 166.370 is amended to read:

5 166.370. (1) Any person who intentionally possesses a loaded or unloaded firearm or any other
6 instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be
7 guilty of a Class C felony.

8 (2)(a) Except as otherwise provided in paragraph (b) of this subsection **and subsection (5) of**
9 **this section**, a person who intentionally possesses:

10 (A) A firearm in a court facility is guilty, upon conviction, of a Class C felony. A person who
11 intentionally possesses a firearm in a court facility shall surrender the firearm to a law enforcement
12 officer.

13 (B) A weapon, other than a firearm, in a court facility may be required to surrender the weapon
14 to a law enforcement officer or to immediately remove it from the court facility. A person who fails
15 to comply with this subparagraph is guilty, upon conviction, of a Class C felony.

16 (C) A firearm in a local court facility is guilty, upon conviction, of a Class C felony if, prior to
17 the offense, the presiding judge of the local court facility entered an order prohibiting firearms in
18 the area in which the court conducts business and during the hours in which the court operates.

19 (b) The presiding judge of a judicial district or a municipal court may enter an order permitting
20 the possession of specified weapons in a court facility.

21 (c) Within a shared court facility, the presiding judge of a municipal court or justice of the
22 peace district may not enter an order concerning the possession of weapons in the court facility that
23 is in conflict with an order entered by the presiding judge of the circuit court.

24 (3) Subsection (1) of this section does not apply to:

25 (a) A police officer or reserve officer, as those terms are defined in ORS 181A.355.

26 (b) A parole and probation officer, as defined in ORS 181A.355, while the parole and probation
27 officer is acting within the scope of employment.

28 (c) A federal officer, as defined in ORS 133.005, or a certified reserve officer or corrections of-
29 ficer, as those terms are defined in ORS 181A.355, while the federal officer, certified reserve officer
30 or corrections officer is acting within the scope of employment.

31 (d) A person summoned by an officer described in paragraph (a), (b) or (c) of this subsection to

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 assist in making an arrest or preserving the peace, while the summoned person is engaged in as-
2 sisting the officer.

3 (e) An honorably retired law enforcement officer.

4 (f) An active or reserve member of the military forces of this state or the United States, when
5 engaged in the performance of duty.

6 (g) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

7 (h) A person who is authorized by the officer or agency that controls the public building to
8 possess a firearm or dangerous weapon in that public building.

9 (i) An employee of the United States Department of Agriculture, acting within the scope of em-
10 ployment, who possesses a firearm in the course of the lawful taking of wildlife.

11 (j) Possession of a firearm on school property if the firearm:

12 (A) Is possessed by a person who is not otherwise prohibited from possessing the firearm; and

13 (B) Is unloaded and locked in a motor vehicle.

14 (4)(a) The exceptions listed in subsection (3)(d) to (j) of this section constitute affirmative de-
15 fenses to a charge of violating subsection (1) of this section.

16 (b) A person may not use the affirmative defense described in subsection (3)(e) of this section
17 if the person has been convicted of an offense that would make the person ineligible to obtain a
18 concealed handgun license under ORS 166.291 and 166.292.

19 **(5) Subsection (2)(a) of this section does not apply to an elected official if:**

20 **(a) The court facility or local court facility is located in a building in which other gov-**
21 **ernmental functions take place;**

22 **(b) The elected official performs official duties in the building; and**

23 **(c) The elected official is licensed to carry a concealed handgun under ORS 166.291 and**
24 **166.292.**

25 [(5)(a)] **(6)(a)** Any person who knowingly, or with reckless disregard for the safety of another,
26 discharges or attempts to discharge a firearm at a place that the person knows is a school shall
27 upon conviction be guilty of a Class C felony.

28 (b) Paragraph (a) of this subsection does not apply to the discharge of a firearm:

29 (A) As part of a program approved by a school in the school by an individual who is partic-
30 ipating in the program;

31 (B) By a law enforcement officer acting in the officer's official capacity; or

32 (C) By an employee of the United States Department of Agriculture, acting within the scope of
33 employment, in the course of the lawful taking of wildlife.

34 [(6)] **(7)** Any weapon carried in violation of this section is subject to the forfeiture provisions
35 of ORS 166.279.

36 [(7)] **(8)** Notwithstanding the fact that a person's conduct in a single criminal episode constitutes
37 a violation of both subsections (1) and [(5)] **(6)** of this section, the district attorney may charge the
38 person with only one of the offenses.

39 [(8)] **(9)** As used in this section, "dangerous weapon" means a dangerous weapon as that term
40 is defined in ORS 161.015.

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